

**FINAL REPORT
OF THE
NATURAL RESOURCES STUDY
COMMISSION**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November, 2006

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2006

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NATURAL RESOURCES STUDY COMMISSION

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES

The Indiana General Assembly enacted legislation directing the Committee to do the following:

- Conduct a continuing study of the laws relating to the Department of Natural Resources to the end that legislation may be proposed to better serve the citizens of Indiana. The Committee is to consult with representatives of the Department of Natural Resources and citizens of Indiana for the purpose of proposing legislation to accomplish the following:
 - (a) repeal of outmoded or unnecessary laws;
 - (b) consolidation and restatement of existing laws;
 - (c) improved coordination of state laws with federal laws; and
 - (d) addition or amendment of laws that will further the purpose for which the Department of Natural Resources was created.(IC 2-5-5-3)
- Advise and assist the Department of Natural Resources in programming its activities and in developing a long-range plan for land acquisition, capital improvement, and development of facilities. (IC 2-5-5-3)
- Oversee the Water Resource Management Program under IC 14-25-7. (IC 14-25-7-16)

The Legislative Council assigned the following additional responsibilities to the Committee:

- Park issues, including IC 8-4.5 on the acquisition and development of rail/trail corridors. (HR 13)

II. INTRODUCTION AND REASONS FOR STUDY

The Natural Resources Study Committee met to carry out its statutory responsibilities under IC 2-5-5-3 and IC 14-25-7-16 and to consider the topic assigned by the Legislative Council.

III. SUMMARY OF WORK PROGRAM

The Committee met two times during the 2006 interim. Meetings were held as follows:

1. September 27 and 28, 2006, at Clifty Falls State Park, Madison, Indiana.
2. October 12, 2006, at Fort Harrison State Park, Indianapolis, Indiana.

IV. SUMMARY OF TESTIMONY

The Committee heard testimony from DNR professionals, members of the General Assembly, representatives of various associations, private citizens, and other interested parties. An overview of the testimony is presented below.

Previous Issues Before The Committee

Kyle Hupfer, Director, Department of Natural Resources, provided an update on issues that have previously been before the Committee, including the merger of two advisory councils (SEA 157-2006); money for land acquisition (HEA 1138-2006); hunting field trials; free hunting days for youth (HEA 1138-2006); forestry issues; and marina fuel sales.

Great Lakes - St. Lawrence River Basin Water Resources Compact - Annex 2001

Kyle Hupfer, Director, Department of Natural Resources, provided a history of agreements and laws concerning the Great Lakes. The governors and premiers of the Great Lakes states and provinces signed an agreement in 2005 to seek ratification of the Great Lakes Compact - Annex 2001. He stated that the Compact deals with several issues affecting water volume, including diversions of water from the Great Lakes basin, in-basin uses, conservation, and efficiency of water use. The Compact does not address issues concerning fishing or water quality. John Goss, Executive Director, Indiana Wildlife Federation, supported the Compact and encouraged its adoption. He stated that the federal Great Lakes Restoration Program is being developed to address pollution, invasive species, and other water quality issues. Lynn Dennis, Director of Government and Community Relations, The Nature Conservancy, also supported the Great Lakes Compact - Annex 2001.

Rail - Trail Corridors (House Resolution 13-2006)

Kyle Hupfer, Director, Department of Natural Resources, presented the state's comprehensive statewide trail plan. He stated that local governments can plan future local trails that will access the state system. A good trail system increases tourism to the area. Governor Mitch Daniels wants to increase state funding for new trails. Allen W. Patterson, Executive Committee Chair, Indiana Parks and Recreation Association, proposed changes to the laws governing transportation corridor planning. The Association would like legislation to allow the establishment of local park districts and the creation of a dedicated funding source. Trail usage is increasing and more physicians are encouraging their patients to walk and jog on a regular basis. The following expressed support trails and park districts: Lynn Dennis, The Nature Conservancy; Steve Waltz, Indiana Parks and Recreation Association; and Bill Koehler, New Albany-Floyd County

Department of Parks and Recreation.

Voluntary Conservation Licenses

Kyle Hupfer, Director, Department of Natural Resources, discussed past efforts to enact a senior's fishing license. He proposed a voluntary conservation license for individuals who want to support the Heritage Trust Program but do not want to fish or hunt. John Goss, Executive Director, Indiana Wildlife Federation, explained a previous unsuccessful attempt to sell a voluntary license, but stated that with the point-of-sale system and Internet access a voluntary license may be successful. Lynn Dennis, Director of Government and Community Relations, The Nature Conservancy, supported the concept of the new license as long as it is voluntary.

Reconstruction In Floodways

George Bowman, Assistant Director, Division of Water, Department of Natural Resources, stated that there is no authority to require existing homes to be raised above flood level until after they are damaged. There is not enough money available to buy homes in the state that are located in floodways and that are below the 100 year flood level. He pointed out inconsistencies in the current flood control law (e.g. If a home is damaged by something other than a flood the owner can rebuild the home at one foot above the 100 year flood level. However, if a barn or detached garage is destroyed by non-flood causes it must be rebuilt at two feet above the 100 year flood level.) If the local community participates in the National Flood Insurance (NFI) Program anyone in the community can acquire flood insurance, even if they are not in the floodway. DNR held five meetings throughout the state in 2006 and distributed questionnaires to local permit officials, property owners, and other interested parties concerning the Flood Control Act. Mr. Bowman concluded that local governments need to enforce floodway laws at the permit level. Markt Lytle, former State Representative, stated that people who live near a river know the risks of flooding. Mortgage companies require owners who live in a flood plain to carry NFI. Areas of the state that do not participate in the NFI Program do not have zoning laws. The prohibition to building in a floodway only applies to residences, not businesses. Mr. Lytle suggested the establishment of a fund to buy out owners who want to leave the floodway.

Programs to feed the hungry.

Senator Timothy Lanane and Steve Corbin, Farmers and Hunters Feeding the Hungry (FHFH), explained the need of 20% of American children and food banks to receive extra food. Mr. Corbin stated that FHFH pays local meat processors to butcher donated deer meat which is then distributed to local food banks, feeding programs, and ministries. Growth of the program is limited by the amount of money FHFH receives to cover butchering costs. He proposed that DNR allow an optional \$2 donation when hunting licenses are sold to help pay meat processing fees. Mr. Corbin also asked that DNR and FHFH coordinate donations of deer from special hunts

(e.g. youth hunting days and deer nuisance permits). Kyle Hupfer, Director, Department of Natural Resources, explained the donation program that DNR and the Department of Correction operate. Deer are donated at several check-in sites throughout the state on the first weekend of the deer hunting season. The deer are taken in refrigerated trucks to a meat processing facility at Pendleton Penitentiary where offenders are being trained to process the meat. After the venison is processed it is distributed to regional food banks. Mr. Hupfer opposed adding an optional donation checkoff because of concerns that the number of groups being added to the checkoff would grow and that the public might believe that the groups listed were sanctioned by DNR. The following expressed support for the efforts of FHFH: Lynn Dennis, The Nature Conservancy; Dick Mercier, Indiana Sportsmen's Roundtable; and Representative Terri Austin.

Other Business Before the Committee

Karen Hinton, Inn Manager, Clifty Falls State Park, highlighted the increased use and customer satisfaction of the Clifty Inn since the new conference facility and Riverview part of the Inn were added in 2003.

Dick Mercier, Indiana Sportsmen's Roundtable, reminded the Committee that the second vote on the Constitutional amendment to make hunting, fishing, and harvesting game a right must pass the General Assembly during this next two year cycle.

Representative Phyllis Pond, discussed HB 1031-2004, which addressed the problem of an easement holder building a structure that restricts another easement holder's access to a lake. Glenna Shelby, lakeside property owner, stated that there are developers who use an easement to allow people who do not live on the lake to gain access. This has led to overcrowding on many lakes.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following recommendation:

PD 3445 - (5-0) Natural resources licenses.

Discontinues the fishing license exemption for residents who are at least 65 years of age. Establishes a senior yearly fishing license and a senior lifetime fishing license for residents who are at least 65 years of age. Establishes a yearly conservation license, which allows access to all fish and wildlife areas but does not allow the holder to hunt or fish. Provides that fees collected from purchasers of the conservation license shall be deposited in the heritage trust fund.

WITNESS LIST

Terri Austin	State Representative
George Bowman	Department of Natural Resources
Steve Corbin	Farmers and Hunters Feeding the Hungry
Lynn Dennis	The Nature Conservancy
John Goss	Indiana Wildlife Federation
Karen Hinton Clifty	Falls State Park
Kyle Hupfer	Department of Natural Resources
Bill Koehler	New Albany-Floyd County Department of Parks and Recreation
Timothy Lanane	State Senator
Markt Lytle	Former State Representative
Dick Mercier	Indiana Sportsmen's Roundtable
Allen Patterson	Indiana Parks and Recreation Association
Glenna Shelby	Property Owner
Steve Waltz	Indiana Parks and Recreation Association